

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

ROBERT CASTILLO ,

Plaintiff,

v.

Case No. 3:21cv545

PUBLIX SUPER MARKETS, INC. ,

Defendant.

NOTICE OF FILING OF REMOVAL

COMES NOW the defendant, Publix Super Market, Inc.¹, incorrectly named and sued, by counsel, pursuant to 28 U.S.C. sections 1441 and 1446, and file this Notice of Removal to remove this action from the Circuit Court for the City of Richmond to the United States District Court for the Eastern District of Virginia, Richmond Division. In support thereof, Defendant states as follows:

1. Plaintiff filed suit against the defendant in the Circuit Court for the County of Henrico, Virginia on June 23, 2021 seeking \$750,000.00 in compensatory damages. A copy of the Summons, Complaint, Answer, Demurrer and Notice of Filing of Removal are attached hereto pursuant to 28 U.S.C. § 1446. (Exhibits A, B, C, D and E respectively.)
2. Process was served on the Defendant's agent on July 23, 2021.
3. This Court has removal jurisdiction over this matter as there is complete diversity of citizenship between Plaintiff (a resident of Virginia) and Publix Supermarkets, Inc. (a Florida entity), as is further specified in the contemporaneously filed disclosures to assure the Court of diversity. Further, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

¹ Publix North Carolina, L.P. is the proper entity as that is the entity affiliated with the subject property where the incident allegedly occurred.

4. This Notice is filed within 30 days after the Defendant was served with the suit pursuant to 28 U.S.C. § 1446.

5. Contemporaneous with the filing of this Notice, the Defendant has given notice of the filing of this Notice of Removal to counsel for the plaintiff and have mailed a copy to the Clerk of the Circuit Court for the County of Henrico.

6. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

7. Plaintiff demanded a trial by jury in his Complaint filed with the Circuit Court for the County of Henrico.

WHEREFORE, defendant Publix requests that this Court remove this action from the Circuit Court for the County of Henrico to the United States District Court for the Eastern District of Virginia, Richmond Division.

PUBLIX SUPER MARKETS, INC.
(incorrectly named and sued)

By Counsel

/s/
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CERTIFICATE

I hereby certify that on the _____ day of August, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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